

REPORT CONCERNING THE ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 122

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

Pursuant to the provisions of section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 12th Annual Report of the National Endowment for Democracy, which covers fiscal year 1995.

As the report demonstrates, the National Endowment for Democracy remains at the forefront of our efforts to expand and consolidate democratic gains around the globe. The strong bipartisan support the Endowment continues to receive reflects our Nation's steadfast commitment to the promotion of democracy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, February 20, 1996.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on February 14, 1996 during the adjournment of the Senate, received a message for the House of Representatives announcing that the Speaker reappoints Mr. Carl A. Anderson of Arlington, VA, as a member from private life, to the Commission on Civil Rights for a 6-year term beginning on February 12, 1996.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on February 16, 1996, during the adjournment of the Senate received a message for the House of Representatives announcing that the House agrees to the amendment of the Senate to the bill (H.R. 2657) to award a congressional gold medal to Ruth and Billy Graham.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 981. A bill entitled "Truck Safety and Congressional Partnership Act" (Rept. No. 104-235).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

George W. Black, Jr., of Georgia, to be a member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1996.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX:

S. 1569. A bill to provide for 1 additional Federal judge for the middle district of Louisiana; to the Committee on the Judiciary.

By Mr. MCCAIN:

S. 1570. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide that the restriction on the assignment or alienation of pension plan benefits shall not apply to court-ordered criminal fines or victim restitution; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 1569. A bill to provide for one additional Federal judge for the middle district of Louisiana; to the Committee on the Judiciary.

LOUISIANA FEDERAL JUDICIAL LEGISLATION

Mr. BREAUX.

Mr. President, I rise today to offer legislation that will correct a serious inequity in Louisiana's judicial districts.

My legislation adds an additional judge to the middle district of Louisiana, based in Baton Rouge. U.S. District Judges John Parker and Frank Polozola, the two Baton Rouge judges, each have almost 2,000 cases pending. The national average for Federal judges is 400 cases pending. Case filings in the middle district have totaled more than four times the national average. The Baton Rouge district also ranks first among the Nation's 97 Federal court districts in total filings, civil filings, weighted filings and in the percent change in total filings last year.

Louisiana's middle district is composed of nine parishes. The State capital and many of the State's adult and juvenile prisons and forensic facilities are located in this district. The court is regularly required to hear most of the litigation challenging the constitutionality of State laws and the actions of State agencies and officials. The district now has several reapportionment and election cases pending on the docket which generally require the immediate attention of the court. Additionally, because numerous chemical, oil, and industrial plants and hazardous waste sites are located in the middle district, the court has in the past and will continue to handle complex mass tort cases. One environmental case alone, involving over 7,000 plaintiffs and numerous defendants, is being handled by a judge from another district because both of the middle district's judges were recused.

Since 1984, the middle district has sought an additional judge because of its concern that its caseload would continue to rise despite the fact that its judges' termination rate exceeded that national average and ranked among the highest in numerical standing within the United States and the fifth circuit. Both the judicial conference and the Judicial Council of the Fifth Circuit have approved the middle district's request for an additional judgeship after each biennial survey from 1984 through 1994.

Mr. President, I know that my colleagues will agree with me that the clear solution to this obvious inequity is to assign an additional judge to Louisiana's middle district. I look forward to the Senate's resolution of this important matter.

By Mr. MCCAIN:

S. 1570. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide that the restriction on the assignment or alienation of pension plan benefits shall not apply to court-ordered criminal fines or victim restitution; to the Committee on Finance.

RESTITUTION FOR VICTIMS OF CRIME

LEGISLATION

Mr. MCCAIN. Mr. President, today I am introducing legislation that would provide crime victims a real opportunity to receive their due restitution from convicted criminals. This bill would enhance collections on criminal restitution orders for crime victims by allowing the Federal Government to garnish the pension plan benefits of convicted felons.

Currently, courts may not garnish pension benefits provided under the Employee Retirement Income Security Act [ERISA] to satisfy criminal restitution orders. As a result, criminals can avoid paying fines or making restitution to their victims when their only income consists of pension money. In fact, in most cases, criminals have pension money as their only source of income, and therefore, they never pay off their debt.

The amount of criminal debt had ballooned to nearly \$4.5 billion by the close of fiscal year 1994. The largest amount of that criminal debt is owed by defendants who have been ordered to pay restitution directly to crime victims. Over \$3 billion is outstanding on these criminal restitution orders.

We must not sit idly by and watch these criminal debt figures continue to mount year after year. Our Nation's crime victims deserve restitution. It is unfair that criminals are allowed to shield their pension funds from being garnished when those funds are necessary to provide much needed restitution to their victims.

Mr. President, the National Victim Center supports this legislation and best expressed the principle behind this bill by recognizing that crime shouldn't pay, but criminals should.

I would urge my colleagues to support this legislation. It will increase

criminal fine collection by allowing a new source of the offender's income to be collected, and will help ensure that victims are properly and fairly compensated in a timely manner.

I ask unanimous consent that a copy of a letter from David Beatty, acting executive director of the National Victim Center, be printed.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL VICTIM CENTER,
Arlington, VA, February 16, 1996.

HON. SENATOR MCCAIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for the opportunity to express our views concerning your proposed amendment to the Employee Retirement Security Act of 1974 and the Internal Revenue Code of 1986.

Offender accountability has long been a corner stone of the American criminal justice system. Such Accountability includes not only the offender's payment of his debt to society but also financial responsibility to the innocent victims who suffer the severe economic consequences of the crimes inflicted upon them.

Requiring offenders to pay restitution to their victims for the harm that resulted from their criminal acts serves the ends of justice in several ways. First and foremost, restitution reimburses crime victims for the goods and services that are essential to their physical, emotional and financial recovery.

It also provides the kind of direct accountability to victims that helps satisfy their sense of fairness and their desire for justice. By engendering a greater sense of personal responsibility, restitution also serves the broader criminal justice objectives of deterrence and even rehabilitation.

Studies have shown that there is a clear correlation between restitution and lower recidivism rates. Offenders who are held financially responsible to their victims develop a greater appreciation for the hardship and human suffering cause by their thoughtless criminal acts. Offenders who gain a moral sense of responsibility by making payment directly to their victims are less likely to commit such crimes in the future.

Yet, none of the advantages restitution have to offer will be fulfilled unless offenders are actually made to pay. Not surprisingly, offenders' failures to pay have all but defeated the principle and purpose of restitution as a practical matter. Given the perplexity involved in locating and seizing the economic resource of offenders, it is extremely difficult to force offenders to pay the restitution they owe.

Senator McCain has introduced an amendment that helps solve the restitution payment problem—at least in those cases where the government is already in possession of assets belonging to the offender. The amendment would allow government officials to divert federal pension benefits and tax refunds owed to the offender directly to the victims to whom the offender owes restitution. This simple and sensible solution allows government officials to avoid the time and expense of searching out and seizing those assets already in the hands of offenders. In short, this approach is the perfect incarnation of the old adage that, "A bird in the hand is worth two in the bush".

Currently, the federal government is paying convicted offenders who are refusing to pay their victims. The McCain Amendment will effectively put an end to this unconscionable practice.

The McCain Amendment would apply these same interception mechanisms to the collec-

tion of federal fines. Since federal fines are used to fund victim compensation and assistance programs nationwide, crime victims have a great stake in seeing that every effort is made to fully collect such fines. Again, this amendment would ensure that monies owed offenders by the federal government would be used to serve victims rather than enrich their perpetrators. In other words, "Crime shouldn't pay, but criminals should".

It is for these reasons that the Board of Directors and staff of the National Victim Center fully support Senator McCain's efforts to divert government payments owed to offenders to benefit their victims.

Sincerely,

DAVID BEATTY,
Acting Executive Director.

ADDITIONAL COSPONSORS

S. 358

At the request of Mr. HEFLIN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 358, a bill to amend the Internal Revenue Code of 1986 to provide for an excise tax exemption for certain emergency medical transportation by air ambulance.

S. 953

At the request of Mr. CHAFEE, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. LEVIN], the Senator from Indiana [Mr. LUGAR], the Senator from Maryland [Ms. MIKULSKI], the Senator from Ohio [Mr. DEWINE], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 984

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 984, a bill to protect the fundamental right of a parent to direct the upbringing of a child, and for other purposes.

S. 1130

At the request of Mr. BROWN, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 1130, a bill to provide for the establishment of uniform accounting systems, standards, and reporting systems in the Federal Government, and for other purposes.

S. 1139

At the request of Mr. LOTT, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1139, a bill to amend the Merchant Marine Act, 1936, and for other purposes.

S. 1334

At the request of Mr. FRIST, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1334, a bill to amend chapter 28 of title 35, United States Code, to provide for noninfringing uses of patents on medical and surgical procedures.

S. 1379

At the request of Mr. SIMPSON, the name of the Senator from Oklahoma

[Mr. INHOFE] was added as a cosponsor of S. 1379, a bill to make technical amendments to the Fair Debt Collection Practices Act, and for other purposes.

S. 1386

At the request of Mr. BURNS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1386, a bill to provide for soft-metric conversion, and for other purposes.

S. 1397

At the request of Mr. KYL, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1397, a bill to provide for State control over fair housing matters, and for other purposes.

S. 1405

At the request of Mr. FRIST, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from New Hampshire [Mr. SMITH], and the Senator from Maine [Ms. SNOWE] were added as cosponsors of S. 1405, a bill to eliminate certain benefits for Members of Congress.

S. 1473

At the request of Ms. SNOWE, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1473, a bill to authorize the Administrator of General Services to permit the posting in space under the control of the Administrator of notices concerning missing children, and for other purposes.

S. 1491

At the request of Mr. HEFLIN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1548

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1548, a bill to provide that applications by Mexican motor carriers of property for authority to provide service across the United States-Mexico international boundary line and by persons of Mexico who establish enterprises in the United States seeking to distribute international cargo in the United States shall not be approved until certain certifications are made to the Congress by the President and the Secretary of Transportation, and for other purposes.

S. 1553

At the request of Mr. MCCAIN, the names of the Senator from Virginia [Mr. WARNER], the Senator from New York [Mr. D'AMATO], and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 1553, a bill to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone.